

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FLOYD E. PATTERSON, JR.

v.

JANINE L. QUIGLEY
WARDEN, et al.

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CIVIL ACTION

No. 16-1604

ORDER

AND NOW, this 30th day of March, 2018, upon consideration of Defendants' motions to dismiss and Plaintiff's response thereto, and for the reasons set forth in the accompanying Memorandum, it is ORDERED:

- Defendants Warden Janine L. Quigley and Lieutenant Miguel Castro's Motion to Dismiss (Document 43) is GRANTED in part and DENIED in part. The Motion is GRANTED as to all of Plaintiff's Eighth Amendment claims, his Fourteenth Amendment "unit-action" claim, and his First Amendment retaliation claim. These claims are DISMISSED without prejudice and with leave to amend. The Motion is DENIED as to Plaintiff's First Amendment Free Exercise claim.
- Defendant Correctional Officers Cunningham, Dew, and Gurry's Motion to Dismiss (Document 47) is GRANTED in part and DENIED in part. The Motion is GRANTED as to all claims against Officer Cunningham, except Plaintiff's Eighth Amendment sexual harassment claim. All claims against Officer Cunningham, except Plaintiff's sexual harassment claim, are DISMISSED without prejudice and with leave to amend. The Motion is also GRANTED as to claims against Officer Gurry and Officer Dew, except Patterson's First Amendment Free Exercise claim. All claims against Officers Gurry and

Dew, except Patterson's First Amendment Free Exercise claim, are DISMISSED without prejudice and with leave to amend.

- Plaintiff shall have until April 30, 2018, to file an amended complaint that corrects the pleading deficiencies identified in the accompanying memorandum. Failure to file an amended complaint within the time permitted may result in dismissal of the above-referenced claims with prejudice.

The Clerk of Court is DIRECTED to terminate Plaintiff's Motion to Dismiss Defendants' Motion to Dismiss (Document 46).

BY THE COURT:

/s/ Juan R. Sánchez
Juan R. Sánchez, J.